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1. Purpose and Scope. This chapter serves as an introduction to the coverage and requirements of EEOICPA. It summarizes the provisions of the Act and describes the responsibilities of the CE in administering the EEOICPA. The reference materials listed at the end of this chapter are to be made available to CEs in each district office.

2. Provisions of EEOICPA

a. Requirements for Eligibility. The CE must establish if the covered employee meets each criterion of eligibility for at least one of the following compensable categories:

(1) Beryllium sensitivity or chronic beryllium disease resulting from exposure to beryllium in the performance of duty.

(2) A specified cancer if employee was a member of the Special Exposure Cohort (SEC); or a cancer that is as least as likely as not related to exposure from employment at a covered facility.

(3) Chronic silicosis incurred as a result of covered employment by an employee present at a DOE facility in Nevada or Alaska, aggregating at least 250 work days during the mining of tunnels or testing of atomic weapons.

(4) The U.S. Attorney General has determined entitlement to an award of \$100,000 under Section 5 of the Radiation Exposure Compensation Act (RECA).

b. Medical Care. An employee who meets the statutory conditions of coverage is entitled to prospective medical care required to cure, give relief, or reduce the degree or period of disability. Provider charges associated with the treatment of an accepted medical condition will be paid from the compensation fund and are subject to a fee schedule.

2. Provisions of EEOICPA. (Continued)

c. Attendant Allowances. Payment for the services of an attendant is allowable where it is medically documented that the claimant requires assistance to care for personal needs such as bathing, dressing, eating, etc. Such services are paid as a medical expense and are paid directly to the provider of the services.

d. Compensation. An eligible employee or survivor is entitled to receive a lump sum payment of up to \$150,000, if found eligible under the EEOICPA. An eligible uranium worker or survivor is eligible for a lump sum payment of up to \$50,000.

e. Survivor Benefits. In the event of death of an eligible employee, the Act provides for the disbursement of compensation in order of precedence and proportion to eligible survivors.

f. Third Party Liability. With the exceptions listed below, where an employee's compensable illness or death results from circumstances creating a legal liability on some party other than the United States, the cost of compensation and other benefits paid by the OWCP must be offset from any civil settlement obtained. Exceptions include the following:

- (1) Claims for workers compensation;
- (2) Payments made to an employee or eligible surviving beneficiary as a result of an insurance policy which the employee or eligible surviving beneficiary has purchased.

3. Responsibilities of the Claims Examiner. The tasks of the CE are to develop and adjudicate claims, provide courteous and timely responses to requests for information, initiate compensation payments and monitor assigned caseloads. The CE is expected to exercise keen judgment, derived from experience, background, and acquired knowledge, tempered with compassion and common sense, in all claims processing. This involves the ability to assess evidence, identify pertinent issues, and make

well-rationalized judgements. Each case stands on its own merits

3. Responsibilities of the Claims Examiner. (Continued)

and must be impartially judged based on the facts established in the case file. The decision cannot be based on conjecture, speculation, or unwarranted presumption.

The adjudication of a case does not preclude the use of precedents in arriving at a decision. Precedents are legal and medical principles, statements, or decisions rendered in other EEOICP claims that serve to define, explain, or justify the legal or medical determinations in like situations. Precedent is cited within the body of a recommended or final decision. It is to be identified clearly as a citation lending clarification to a legal or medical question raised in the present case. Precedent setting documentation includes any decision issued by FAB. A precedent citation must list the docket number of the FAB determination and the date of issuance.

4. Reference Materials for the Claims Examiner. Each DO should have a library that contains the following items for reference by the CE:

- a. Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000, as amended, 42 U.S.C. § 7384 *et seq.*
- b. 20 CFR Parts 1 and 30 (Regulations) - Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act.
- c. Executive Order 13179 signed December 7, 2000.
- d. EEOICPA Procedure Manual
- e. EEOICPA Bulletins, Circulars, Transmittals, and Program Memoranda issued by the Branch of Policy, Regulations and Procedures.
- f. Dorland's Illustrated Medical Dictionary, W.B. Saunders Co., Philadelphia.

- g. Current edition of The Merck Manual, Merck & Co., Rahway, N.
- 4. Reference Materials for the Claims Examiner. (Continued)
 - h. Current directory of the American Medical Association for each state within the District Office's jurisdiction.
 - i. Current ICD-9 coding manual
 - j. NIOSH regulations on dose reconstruction and probability of causation.
 - k. The most recent DO accountability review report.
 - l. Road map or atlas covering the DO's geographical jurisdiction.
 - m. Telephone directories for prominent areas in the DO.
 - n. DOE's listing of time frames associated with covered facilities.
 - o. Resource Center procedure manual
 - p. IREP regulations
 - q. Directory of DOE records contacts, description of DOE facilities.
 - r. Provider Manual for medical bill pay systems.